

## **MINUTE SUMMARY**

### **Board of Directors Meeting**

**July 5, 2006**

**Start Time: 9:30 a.m.**

#### **LOCATION**

**San Bernardino Associated Governments**

**Santa Fe Depot**

**SANBAG Lobby 1st Floor**

**1170 W. 3rd Street, San Bernardino, CA**

#### **Board of Directors**

**President**

Dennis Hansberger, Supervisor,  
*County of San Bernardino*

**Vice-President**

James Lindley, Council Member,  
*City of Hesperia*

Jim Nehmens, Mayor  
*City of Adelanto*

Rick Roelle, Mayor Pro Tem  
*Town of Apple Valley*

Lawrence Dale, Mayor  
*City of Barstow*

Darrell Mulvihill, Council Member  
*City of Big Bear Lake*

Dennis Yates, Mayor  
*City of Chino*

Gwenn Norton-Perry, Council Member  
*City of Chino Hills*

Deirdre Bennett, Mayor  
*City of Colton*

Mark Nuaimi, Mayor  
*City of Fontana*

Bea Cortes, Mayor Pro Tem  
*City of Grand Terrace*

Larry McCallon, Council Member  
*City of Highland*

Robert Christman, Council Member  
*City of Loma Linda*

Paul Eaton, Mayor  
*City of Montclair*

Rebecca Valentine, Council Member  
*City of Needles*

Alan Wapner, Mayor Pro Tem  
*City of Ontario*

Diane Williams, Mayor Pro Tem  
*City of Rancho Cucamonga*

Pat Gilbreath, Council Member  
*City of Redlands*

Grace Vargas, Mayor  
*City of Rialto*

Pat Morris, Mayor  
*City of San Bernardino*

Kevin Cole, Council Member  
*City of Twentynine Palms*

John Pomierski, Mayor  
*City of Upland*

Mike Rothschild, Mayor  
*City of Victorville*

Richard Riddell, Mayor  
*City of Yucaipa*

Paul Cook, Mayor  
*Town of Yucca Valley*

Paul Biane, Supervisor  
*County of San Bernardino*

Bill Postmus, Supervisor  
*County of San Bernardino*

Josie Gonzales, Supervisor  
*County of San Bernardino*

Gary Ovitt, Supervisor  
*County of San Bernardino*

Michael Perovich, Caltrans  
*Ex-Officio Member*

Tony Grasso  
*Executive Director*

**San Bernardino Associated Governments  
County Transportation Commission  
County Transportation Authority  
County Congestion Management Agency  
Service Authority for Freeway Emergencies**

**Board of Directors**

**MINUTE SUMMARY**

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SANBAG Lobby, 1st Floor  
1170 W. 3rd Street, San Bernardino**

<p>To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.</p>
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Called to Order - 9:40 a.m.  
(Meeting chaired by Dennis Hansberger)

I Pledge of Allegiance

II. Attendance

**Rick Roelle, Apple Valley  
Lawrence Dale, Barstow  
Dennis Yates, Chino  
Gwenn Norton-Perry, Chino Hills  
Deirdre Bennett, Colton  
Mark Nuaimi, Fontana  
Bea Cortes, Grand Terrace  
James Lindley, Hesperia  
Larry McCallon, Highland  
Robert Christman, Loma Linda  
Paul Eaton, Montclair  
Rebecca Valentine, Needles  
Alan Wapner, Ontario**

**Diane Williams, Rancho Cucamonga  
Pat Gilbreath, Redlands  
Grace Vargas, Rialto  
Patrick Morris, San Bernardino  
Kevin Cole, Twentynine Palms  
Mike Rothschild, Victorville  
Chad Mayes, Yucca Valley (Alt.)  
Dick Riddell, Yucaipa  
Dennis Hansberger, County of San Bernardino  
Gary Ovitt, County of San Bernardino  
Jean-Rene Basle, SANBAG Counsel  
Michael Perovich, Caltrans District 8  
Tony Grasso, SANBAG**

- III. Seating of new officers: **Incoming President Dennis Hansberger presented the SANBAG Presidential Plaque to outgoing President Kelly Chastain and thanked her for her participation on numerous board committees and representing SANBAG. Deidre Bennett, City of Colton, was welcomed to the board.**
- IV. Announcements: **The July meetings were announced as follow: SCAG Delegates following today's board meeting, Administrative Committee July 13<sup>th</sup>, Plans and Programs Committee July 19<sup>th</sup>, Commuter Rail Committee July 20<sup>th</sup>, Mountain/Desert Committee July 21<sup>st</sup>, and SCRRA Delegates Briefing July 26<sup>th</sup>. At the request of the City of Yucaipa, Tony Grasso read into the record relative to Agenda Item 17 that the City and SANBAG are working on an agreement that would allow the City to recover 63% of the city's contribution from Measure I 2010/2040 for project advancement.**
- V. Agenda Notices/Modifications – **Additional information for Agenda Items 13 and 21. Revised Agenda 1, Conflict of Interest, and Agenda Item 28 to show the selection of lowest bidders.**

***Notes/Actions:***

- 1. **Possible Conflict of Interest Issues for the Board Meeting of July 5, 2006.** Pg. 12

**\*See Notes**

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

**Revised Agenda Item.**

**\*Note the following abstentions:**

**Supervisor Gary Ovitt abstained on Agenda Items 13 and 29 stating a disqualifying campaign contribution in excess of \$250.**

**Supervisor Dennis Hansberger abstained on Agenda Item 29 stating a possible disqualifying campaign contribution in excess of \$250.**

**Mayor Pro Tem Alan Wapner abstained on Agenda Item 13 stating a disqualifying campaign contribution in excess of \$250.**

**Mayor Patrick Morris abstained on Agenda Items 13, 16, and 29 stating a disqualifying campaign contribution in excess of \$250.**

**Consent Calendar**

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up under Agenda Item 31.

**Administrative Matters**

- 2. **Board of Directors Attendance Roster**

Pg. 14

**Information Only**

**MOVED:  
Eaton  
SECOND:  
Gilbreath  
23-0-0**

**Consent Calendar Continued....****Administrative Matters (Cont.)**

- |   |        |                         |
|---|--------|-------------------------|
| <b>3. Procurement Report for May 2006</b><br>Receive Monthly Procurement Report. <b>Terrence J. McGuire</b><br>This item was unanimously received by the Administrative Committee on June 14, 2006.   | Pg. 18 | <b>Information Only</b> |
| <b>4. Budget Policy</b><br>Approve Budget Policy to permit use of Measure I Funds to fund Reimbursable Costs for Major Projects and other Programs. <b>Terrence J. McGuire</b><br>This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 14, 2006.   | Pg. 20 | <b>Approved Consent</b> |
| <b>5. 2006 Measure I Population Estimates for Measure I Allocations</b><br>Adopt the 2006 population estimates for use in allocation of Measure I Local Pass-Through Funds. <b>Ryan Graham</b><br>This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on June 16, 2006 and is scheduled for approval by the Board of Directors on July 5, 2006.  | Pg. 22 | <b>Approved Consent</b> |
| <b>6. Request for Proposals for the US-395 Realignment Environmental Impact Report</b><br>Approve the release of Request for Proposals (RFP) No. 07017 for Preparation of a program level Environmental Impact Report (EIR) for the realignment of US-395 from I-15 in Hesperia to current US-395 in northern Adelanto. <b>Steve Smith</b><br>This item was reviewed and unanimously approved by the Mountain Desert Committee on June 16, 2006 and scheduled for review by the Board of Directors on July 5, 2006. | Pg. 30 | <b>Approved Consent</b> |

**Program Support/Council of Govts.**

- |  |        |                         |
|--|--------|-------------------------|
| <b>7. Investment Policy No. 20100</b><br>Approve modifications to Investment Policy No. 20100. <b>Terrence J. McGuire</b><br>This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 14, 2006. | Pg. 52 | <b>Approved Consent</b> |
|--|--------|-------------------------|

**Consent Calendar Continued....****Program Support/Council of Govts. (Cont.)**

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|---|--------|-------------------------|
| <b>8. Monthly SANBAG Investment Report</b>  | Pg. 64 | <b>Approved Consent</b> |
| <p>Receive SANBAG Investment Report and approve new format.<br/><b>Terrence J. McGuire</b></p> <p>This item was received and unanimously recommended for approval by the Administrative Committee on June 14, 2006.</p>   |        |                         |
| <b>9. Award of Contracts for Bond Counsel and Financial Advisor.</b>  | Pg. 72 | <b>Approved Consent</b> |
| <p>1. Approve Contract 07009, Orrick Herrington &amp; Sutcliffe, LLP for Bond Counsel Services in an amount not to exceed \$150,000.</p> <p>2. Approve Contract 07011, Montague DeRose &amp; Associates, LLC for Financial Advisor Services in an amount not to exceed \$150,000. <b>Terrence J. McGuire</b></p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 14, 2006.</p> |        |                         |

**Project Development**

- |   |        |                         |
|---|--------|-------------------------|
| <b>10. City of Montclair request for SANBAG to act as Lead Agency for the construction of the Ramona Avenue Grade Separation project</b>  | Pg. 93 | <b>Approved Consent</b> |
| <p>Approve SANBAG acting as lead agency for the construction of the Ramona Avenue Grade Separation Project in the City of Montclair and direct staff to prepare a Cooperative Agreement for future Board consideration. <b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p> |        |                         |
| <b>11. Amendment No. 3 to Purchase order No. 0432 to P&amp;D Consultants for construction management services for the route 71 Landscape Project</b>  | Pg. 97 | <b>Approved Consent</b> |
| <p>Approve Amendment No. 3 to Purchase Order No. 0432 with P&amp;D Consultants increasing the amount by \$50,000 to provide Construction Management Services for Route 71 Landscaping completion project. <b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p>               |        |                         |

**Consent Calendar Continued....**

**Project Development (Cont.)**

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|-----|---|---------|--|
| 12. | <p><b>Professional Services Contract with Jacobs Engineering to provide Construction Management Services for the Interstate 215 5<sup>th</sup> Street Bridge Projects</b></p> <p>Waive SANBAG Board Policy 34504 related to contract negotiation guidelines and Approve Agreement No. 06-043 with Jacobs Engineering to provide construction management services for the Interstate 215 5<sup>th</sup> Street Bridge project in the amount of \$3,290,925 as detailed in the Financial Impact Section. TN 83807000.<br/> <b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p>  | Pg. 101 | <b>Approved Consent</b>  |
| 13. | <p><b>Professional Services Agreement No. 05-016 for legal services with the law firm of Best, Best, and Krieger</b></p> <p>1. Authorize Executive Director to approve an \$75,000 increase to the not to exceed amount of Agreement No. 05-016 with Best, Best, and Krieger (BB&amp;K) for a total not to exceed amount of \$150,000; and</p> <p>2. Approve budget amendment to the SANBAG 2006/07 fiscal year budget to increase Task Number 82407000 as detailed in the Financial Impact Section. <b>Darren Kettle</b></p> <p>This item was reviewed and recommended for approval (Biane and Wapner abstained), by the Major Projects Committee on June 15, 2006.</p> <p><b>Additional backup information was provided: The Service Agreement Letter and the Contract Summary.</b></p> | Pg. 126 | <p><b>Approved Consent</b><br/> <b>20-0-3</b><br/> <b>ABSTAINED:</b><br/> <b>Ovitt</b><br/> <b>Wapner</b><br/> <b>Morris</b></p> |
| 14. | <p><b>Amendment No. 1 Contract No. 04-016 with Tetra Tech, Inc. for Interstate 10/Tippecanoe Interchange Project Development</b></p> <p>Approve Amendment No. 1 to Contract 04-016 with Tetra Tech, Inc. for preliminary engineering and environmental clearance on the I-10/Tippecanoe interchange and Evans Street north projects extending the period of performance and modifying the scope of services.<br/> <b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p>   | Pg. 127 | <b>Approved Consent</b>  |

**Consent Calendar Continued....****Project Development (Cont.)**

- |  |                |  |
|--|----------------|--|
| <p>15. <b>Request for Qualifications (RFQ) No. C0719 for professional engineering services for preparation of a Project Study Report (PSR) for State Route 30/210 – Victoria Avenue Interchange</b></p> <p>Approve release of RFQ C0719 for professional engineering services for preparation of a PSR for State Route 30/210 – Victoria Avenue Interchange. <b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p>   | <p>Pg. 147</p> | <p><b>Approved Consent</b></p>   |
| <p>16. <b>Construction and Maintenance Agreement with Burlington Northern, Santa Fe Railroad (BNSF) and Caltrans for the Interstate 215 5<sup>th</sup> Street Overcrossing Project</b></p> <p>Approve Agreement No. 07-016 with BNSF and Caltrans to construct a new bridge over existing BNSF tracks as part of SANBAG's construction of I-215, 5<sup>th</sup> Street Overcrossing, fund BNSF flagging and inspection services in estimated amount of \$789,731, and receive BNSF contribution towards the project in the amount of \$1,245,657. <b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p>  | <p>Pg. 156</p> | <p><b>Approved Consent</b><br/><b>22-0-1</b><br/><b>ABSTAINED:</b><br/><b>Morris</b></p> |
| <p>17. <b>Cooperative Agreement No. 06-036 Amendment No. 2 with City of Yucaipa for the construction of the Live Oak Canyon/Interstate 10 Freeway Interchange Project, and Cooperative Agreement C07020 with Caltrans for construction of the Live Oak Canyon/Interstate 10 Interchange Project</b></p> <p>1. Approve Amendment No. 2 to Cooperative Agreement No. 06-036 with the City of Yucaipa for the Live Oak Canyon/Interstate 10 Freeway Interchange Project to provide additional construction funding in the amount of \$5,371,000 from the city of Yucaipa to supplement TCRP construction funding.</p> <p>2. Approve Cooperative Agreement C07020 with Caltrans for the Reconstruction of Live Oak Canyon/interstate 10 Freeway Interchange Project. <b>Darren Kettle</b></p> <p>These agreements were reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.</p> | <p>Pg. 206</p> | <p><b>Approved Consent</b></p>   |

**Consent Calendar Continued....**

**Transportation Programs & Fund Administration**

- |   |                |                                |
|---|----------------|--------------------------------|
| <p><b>18. Allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STAF) for Fiscal Year 2006/2007</b></p> <p>Adopt Resolution 07-001 authorizing the allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STAF) for Fiscal Year 2006/2007. <b>Mike Bair</b></p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 14, 2005.</p>   | <p>Pg. 224</p> | <p><b>Approved Consent</b></p> |
| <br>  |                |                                |
| <p><b>19. Fiscal Year 2006/2007 Transportation Development Act (TDA) Unmet Transit Needs Public Hearings</b></p> <p>1. Adopt Definitions of “Unmet Transit Needs” and “Reasonable to Meet” as identified in Attachment A.</p> <p>2. Set Times, Dates and Locations for the TDA Unmet Needs Public Hearings. <b>Mike Bair</b></p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 14, 2006. This item was also presented at the Mountain Desert Committee, but due to a lack of quorum no action was taken.</p> | <p>Pg. 228</p> | <p><b>Approved Consent</b></p> |

**DISCUSSION ITEMS**

**Administrative**

- |   |                |                                |
|---|----------------|--------------------------------|
| <p><b>20. Vacancy on Mobile Source Air Pollution Reduction Review Committee</b></p> <p>Note resignation of Diane Williams as SANBAG alternate representative on the Mobile Source Air Pollution Reduction Review Committee and announce vacancy. <b>Deborah Barmack</b></p> <p>This item will be discussed at the July 5, 2006, Board of Directors meeting.</p> <p><b>Mayor Morris requested that a list of the current vacancies on SCAG Committees and their specific duties be provided to the board members</b></p> | <p>Pg. 232</p> | <p><b>Information Only</b></p> |
|---|----------------|--------------------------------|



**Discussion Items Continued.....****Project Development****21. State Street/University Parkway Railroad Grade Separation – Hearing to Consider Resolutions of Necessity** Pg. 234

1. Acting as the County Transportation Commission, Conduct public hearing to consider condemnation of real property required for the State Street/University Parkway Grade Separation project in the City of San Bernardino and County of San Bernardino and,

2. Adopt Resolutions of Necessity authorizing condemnation of real property declaring the following:

- a. The public interest and necessity require the project described in the proposed Resolution of Necessity. Resolution No. 07-002.
- b. The project is planned and/or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property to be acquired is necessary for the project.
- d. An offer required by Section 7267.2 of the Government Code has been made to the owner of record. (2/3<sup>rd</sup> required)

**Darren Kettle**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 15, 2006.

**Additional backup information provided the resolution along with the legal descriptions of each parcel. Charles Scolastico, Deputy County Counsel, answered questions from the board on surplus property. The Board requested additional information regarding our policy and procedure related to surplus property and directed staff to agendize this for Administrative Committee review. President Hansberger opened up the public hearing for comments: Harry Carpelan, representing Edwin Evans, objected to the validity of the offer that was made to the property owner under government code section 7267.2. He believes there is additional compensation due. Hearing no other speakers the public hearing was closed.**

**Regional & Quality of Life Programs****22. Scope of Work for COMPASS Blueprint Implementation: Transportation-Land Use Integration on Multiple Central and East Valley Sites** Pg. 239

Approve Scope of Work. **Ty Schuiling**

Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for discussion.

**MOVED:  
Morris**

**SECOND:  
Nuaimi**

**22-1-0**

**OPPOSED:  
Yates**

**MOVED:  
McCallon**

**SECOND:  
Morris**

**23-0-0**

**Discussion Items Continued.....****Regional & Quality of Life Programs (Cont.)**

23. **Approve Contract No. C07023 and budget amendment for the Program to Address Critical Habitat Issues (Indirect Impacts) Associated with Major Measure I Expenditure Plan Projects** Pg. 244

1. Approve Contract No. C07023 with the County of San Bernardino – San Bernardino County Museum to provide biological mapping and analysis in support of the SANBAG habitat initiative

2. Amend Fiscal Year 2006/2007 budget, adding \$138,584 to Task Number 11207000, Regional Growth Forecast Development. **Steve Smith and Ty Schuiling**

Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for discussion.

24. **Funding Agreement with the Mobile Source Air Pollution Reduction Review Committee (MSRC) for the implementation of two new Freeway Service Patrol (FSP) Beats** Pg. 267

Execute Contract No. C07021 between SANBAG and the MSRC, to receive MSRC funding for the implementation of two new FSP Beats. **Kelly Lynn**

Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for Discussion. The Agreement has been reviewed as to form by SANBAG County Counsel.

**Subregional Trans. Planning & Programming**

25. **Local Agency Project Advancement Agreement** Pg. 284

Approve Project Advancement Cooperative Agreement C07022 with the City of Chino Hills for the Widening of Peyton Drive from Grand Avenue to Chino Hills Parkway. **Ty Schuiling**

Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for discussion.

**MOVED:**  
**Christman**  
**SECOND:**  
**Dale**  
**23-0-0**

**MOVED:**  
**Christman**  
**SECOND:**  
**Yates**  
**23-0-0**

**MOVED:**  
**Eaton**  
**SECOND:**  
**Cortes**  
**23-0-0**

**Discussion Items Continued.....**

**Subregional Trans. Planning & Programming (Cont.)**

- |   |                |  |
|---|----------------|--|
| <p><b>26. Measure I 2010-2040 Strategic Plan workshop on Project Cost Estimates and Revenue Projections</b></p> <p>Receive information. <b>Ty Schuiling</b></p> <p>Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for discussion.</p> <p><b>Mayor Nuaimi expressed concern on the percentages used for project support costs. This will be explored further at the Plans and Programs Committee.</b></p>   | <p>Pg. 299</p> | <p><b>Information Only</b></p>                                       |
| <p><b>27. Development Mitigation Program Cost Escalation Factor</b></p> <p>Adopt the rolling 5-year average of the Caltrans Construction Items Index (12.9% for calendar year 2004-2005) as the cost escalation factor for the San Bernardino County Development Mitigation Program. <b>Ty Schuiling</b></p> <p>Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for discussion.</p> <p><b>Mayor Rothschild believes there are discrepancies with the 5-year rolling plan and requested this item be deferred a month for further review and input by the cities. Staff indicated this item has been reviewed by the cities and reflects their input. Supervisor Hansberger also expressed concern, however, he voted in favor stating there will need to be regular monitoring and updating if necessary.</b></p> | <p>Pg. 395</p> | <p><b>MOVED:<br/>Christman<br/>SECOND:<br/>Nuaimi<br/>23-0-0</b></p> |

**Project Development**

- |  |                |   |
|--|----------------|---|
| <p><b>28. Award of Construction Contracts SR 210 landscaping Segments 3 and 4</b></p> <p><i>1. Award Contract no. 06-064 to Diversified Landscape Inc. for Highway Landscaping of SR 210 Segment 3 in the amount of \$4,378,623.81 as detailed in the Financial Impact Section, and</i></p> <p><i>2. Award Contract No. 06-065 to Tony's Multi Service Firm, Inc. for Highway Landscaping of SR 210 Segment 4 in the amount of \$2,707,555.91 as detailed in the Financial Impact Section..</i></p> <p><b>Darren Kettle</b></p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 12, 2006.</p> <p><b>Revised agenda item to show the lowest bidders as noted in the recommendation.</b></p> | <p>Pg. 413</p> | <p><b>MOVED:<br/>Gilbreath<br/>SECOND:<br/>Yates<br/>23-0-0</b></p> |
|--|----------------|---|

## **Discussion Items Continued**

### **Project Development (Cont.)**

29. **Contract No. 07-008 with DMJM+Harris for construction engineering support on I-215, 5<sup>th</sup> Street Overcrossing** Pg. 415

Approve Contract No. 07-008 with DMJM+Harris for construction engineering support on I-215, 5<sup>th</sup> Street Overcrossing in the amount of \$100,000 as detailed in the Financial Impact Section. **Darren Kettle**

This item has been reviewed by SANBAG Counsel. This item was reviewed and recommended for approval (Biane abstained) by the Major Projects Committee on June 15, 2006.

**MOVED:**

**Yates**

**SECOND:**

**Cortes**

**20-0-3**

**ABSTAINED:**

**Ovitt**

**Hansberger**

**Morris**

### **Transportation Programs & Fund Administration**

30. **Amendment to Contract 06-012 with Arthur Bauer & Associates for conducting the Transportation Development Act (TDA) Triennial Performance Audits of the County Transportation Commission and six transit operators/claimants** Pg. 427

Approve Amendment Number 1 to Contract 06-012 with Arthur Bauer and Associates, extending the time of performance to March 7, 2007; amending the scope of work to include Phase II, Development of Omnitrans Cost Allocation Methodology; and increasing the contract authority by \$21,315.00 as identified in the Financial Impact Section. **Mike Bair and Victoria Baker**

Due to lack of a quorum at the Plans and Programs Committee on June 21, 2006, this item has not received previous policy committee review. It is being presented directly to the Board of Directors for discussion. The agreement has been reviewed as to form by SANBAG County Counsel.

**Council Member Christman inquired into the usage of a northern California firm as opposed to a local firm.**

**MOVED:**

**Gilbreath**

**SECOND:**

**Cole**

**23-0-0**

## **Other Matters**

31. **Consent Calendar Items Pulled for Discussion - NONE**

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

**Comments from Board Members****Brief Comments from Board of Directors**

Mayor Yates reported the railroads have filed a lawsuit stating the AQMD does not have authority to regulate them. This came in response to passage of three Rules concerning train idling and reporting. At a pre-hearing, the judge ruled a trial will be held.

Council Member Christman inquired into adding more lanes on the 210 freeway to fill up the unused area to the left of the HOV lane between San Dimas and the I-15. There was dialogue as to why this is not feasible at the present time. It was recommended this should be brought before the Majors Projects Committee for further discussion.

**Public Comment****Brief Comments by the General Public**

Tony Grasso announced that last week was the 50<sup>th</sup> anniversary of the Federal Highway Administration.

**ADJOURNMENT****Additional Information****Agency Reports/Committee Memberships**

Commuter Rail Report Pg. 438

Council Member Patricia Gilbreath

South Coast Air Quality Management Report Pg. 441

Mayor Dennis Yates

**SCAG Committees** Pg. 443

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees Pg. 444

Acronym List Pg. 446

Complete packages of this agenda are available for public review at the SANBAG offices and our website: [www.sanbag.ca.gov](http://www.sanbag.ca.gov). Staff reports for items may be made available upon request. For additional information call, (909) 884-8276.

## Meeting Procedures and Rules of Conduct

### **Meeting Procedures**

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

### **Accessibility**

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

**Agendas** – All agendas are posted at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino.

**Agenda Actions** – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

**Closed Session Agenda Items** – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

**Disruptive Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*